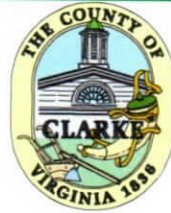


Clarke County

PLANNING COMMISSION BRIEFING MEETING MINUTES TUESDAY, MAY 3, 2016



A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, May 3, 2016.

ATTENDANCE

Present: Anne Caldwell (Vice Chair); Robina Bouffault; Randy Buckley; Scott Kreider; Douglas Kruhm; Frank Lee; Jon Turkel; Cliff Nelson; Gwendolyn Malone; Mary Daniel

Absent: George L. Ohrstrom, II (Chair)

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

CALLED TO ORDER

Vice Chair Caldwell called the meeting to order at 3:00PM.

AGENDA

Members voted to approve the agenda as presented.

Yes: Caldwell, Bouffault, Buckley, Kruhm, Lee (moved), Malone, Turkel, Nelson (seconded), Kreider, Daniel

No: None

Absent: Ohrstrom

Mr. Stidham began the meeting with an overview of the items for the Commission's May 6 meeting. He provided the Commission with a status report on the Hecate Energy special use permit and site plan requests and stated that Jeremy Tweedie (Greenway Engineering) was present to go over changes in the most recent site plan resubmission. Mr. Tweedie reported that they provided new sight distance information for the proposed entrance as required by VDOT including a speed study for Highland Corners Road. He said that new areas of spot grading are now shown in Phases 1 and 2 in order to accommodate manufacturer specifications for the panel tracking systems regarding ground level clearance from the bottom of the panels. He referenced the specific areas on the revised plan and described how the disturbance would take place in the different construction phases. He also reviewed changes to the landscaping plan including the proposed evergreen-only plantings to provide an effective screen from adjacent properties. He noted the new trenching detail and described how the posts would be installed.

Regarding DEQ's review of the stormwater management plan, Mr. Tweedie explained that they are expecting either approval or comments to add to the plan from DEQ staff. Ms. Bouffault asked when he expected comments to be received and he said that DEQ indicated the comments would be provided by April 19. He added that the DEQ reviewer said that a letter for the County would be provided later this week to explain the current review status. Regarding the site and E&S plan comments from Anderson & Associates staff, Mr. Tweedie noted that the comments are mostly inconsequential and can be resolved in the next few weeks. He also explained the challenges with responding to Anderson's comments regarding the County's more stringent stormwater regulations, referencing the need to modify DEQ's review spreadsheet in order to respond in a manner requested by Anderson staff.

Ms. Bouffault asked whether the new grading would slow the construction process and Mr. Tweedie replied that he did not think that it would because it is minor in nature. He added that grading would be about a 2-3 week process. He also described the new plan sheet that was provided to depict the water quality compliance plan requested by DEQ and noted that as a conservative approach, each post to be installed is assumed to have an 18 inch concrete base.

Vice Chair Caldwell asked Mr. Tweedie if he was planning to speak with Anderson staff prior to the May 6 Commission meeting. He replied that he hoped to have new information to Mr. Stidham on Wednesday to address staff report comments and Anderson staff's comments.

Mr. Nelson asked if Hecate has responded to the active dumping issue that is taking place on the property. Mr. Tweedie said that they were reaching out to the property owner to resolve the issue. Mr. Stidham provided an overview of the active dumping issue and what was observed during the Site Plan Committee's site visit on April 27. He added that Staff is recommending a condition to ensure proper remediation of the debris.

Mr. Stidham stated that information on panel reflectivity was provided by the Applicant, that this information has been reviewed by Anderson staff, and that there are no additional concerns regarding reflectivity. He also reviewed information provided from the U.S. Army Corps of Engineers (USACE), explained the permitting process that Hecate would have to complete, and indicated that there were no remaining concerns from Staff regarding this issue. He concluded by stating that Staff cannot recommend conditional approval until approvals have been received from Anderson staff and DEQ. He did say that if the Commission wanted to advance the requests with conditional approvals that they should make sure that the recommended conditions have been thoroughly reviewed and are acceptable to the members. He added that Chair Ohrstrom indicated to him that he is not in favor of conditional approval at this time. Vice Chair Caldwell asked what would happen if DEQ provided a letter indicating that they have reached consensus with the Applicant on remaining items and would be issuing a formal approval letter at a later date. Mr. Stidham indicated that this would be more conclusive than the preliminary determination letter that was provided from USACE. Mr. Tweedie said that if the request were advanced by the Commission to the Board of Supervisors with a conditional approval, they would be fine with being remanded to the Commission for further review if additional concerns are identified by Anderson or DEQ staffs. Mr. Stidham reiterated that it would be a policy decision for the Commission to advance the request to the Board with a conditional approval.

Mr. Stidham asked whether there is an avenue for Hecate to request an extension of the December 31, 2016 deadline to begin producing 10MW of electric power. Mr. Tweedie said that he did not know specifically but that it is governed by their interconnection agreement. Vice Chair Caldwell asked about the additional level of approvals and whether this impacts Hecate's ability to begin construction. Mr. Tweedie said that the County approval must be provided before the state approval process can be completed.

Mr. Stidham then reviewed each of the draft special use permit conditions. Regarding Condition #1, Mr. Tweedie noted that the entity managing the facility will be "Hecate Energy Clarke County, LLC." Regarding Condition #6, Vice Chair Caldwell noted that there was a suggestion that receipts from disposing of the waste at an approved facility should be provided and Mr. Stidham said that he would add language to this condition. Regarding Condition #14, Mr. Tweedie asked how Staff would handle landscaping that is shown on the plan but is not performing a screening function. Mr. Stidham said that he would treat that as a minor deviation and have it moved to an area where it would improve screening effectiveness. Ms. Bouffault noted one correction to be made to a date on page 21.

Mr. Fincham provided an update on the Shenandoah Retreat Land Corporation rezoning request. Mr. Stidham also updated the members on a proposed "minor rezoning fee" that Staff is presenting to the Board of Supervisors for adoption in response to Mr. Jones's comments about the fee charged in this case.

Mr. Fincham also provided an update on the North Hill minor subdivision application that the Commission returned to the Applicant at last month's meeting with comments. He noted that the Applicant has filed a variance request with the Board of Septic & Well Appeals (BSA) regarding the location of the proposed drainfield reserve site in relation to the undeveloped spring on the property. He said that the BSA will be considering the variance on Wednesday and he will report the outcome to the Commission on Friday. He added that Staff is recommending approval of the variance. Mr. Fincham also discussed the VDOT recommendation to clear the sight distance area as a condition of subdivision approval. He noted that Bobby Boyce stated that VDOT does not have the authority to require clearing in the near term but can require it to be done in conjunction with the future building permit issuance. Ms. Bouffault asked whether the Commission has the authority to require it to be done as a condition of subdivision approval. Mr. Stidham said that he did not think it could be required but would check with the County Attorney. Mr. Turkel noted that the mailboxes at the property entrance may be the biggest sight distance impediment. Mr. Stidham wondered whether the mailboxes were located at that spot to provide the safest pull-off area for the mail truck. Vice Chair Caldwell asked for clarification on why the second driveway was not added to the plat, and Mr. Fincham pointed out where it is now shown on the revised plat.

Old Business Items

None.

New Business Items

Discussion, Potential Text Amendment to §3-A-1-e and §3-A-2-e, Installation of Waterworks or Sewerage System & Treatment Works (AOC and FOC Districts)

Mr. Stidham summarized the proposed text amendment to exempt farm breweries and farm wineries from the prohibition on use of "waterworks" in the AOC and FOC Districts. He added that if the members did not have any questions or concerns, he would add it to the agenda for Friday to set public hearing. Members agreed to do so by consensus.

Other Business

Mr. Stidham reported that the Berryville Area Plan is on the agendas for both the Board and Town Council for final action in May. He noted that the Board deferred action so that Town Council would have the opportunity to act first and provide any desired changes or additions for the Board's consideration. He added that actions by both governing bodies have to be identical.

He noted that the Agricultural Land Plan Subcommittee will be holding their kickoff meeting on May 12 and that the Business Intersection Area Plans Subcommittee met on April 28. Regarding the latter, the Subcommittee approved a timeline that would result in a final draft plan being presented to the full Commission in September.

The meeting was adjourned by consensus at 4:05PM.



Anne Caldwell, Vice Chair



Brandon Stidham, Planning Director